

business districts and central city and suburban areas.

(5) The term “passive” means unpowered optical fiber and optical fiber cable.

SA 4823. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6505 and insert the following:

SEC. 6505. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordination with the Secretary of State, shall brief the appropriate congressional committees on all consultations with United States allies and related matters regarding the 2021 Nuclear Posture Review.

(b) ELEMENTS.—The briefing required by subsection shall include the following:

(1) A listing of all countries consulted with respect to the 2021 Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present.

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of potential changes to the nuclear declaratory policy of the United States.

(3) A summary of any feedback provided during such consultations.

(4) A description of the consultations conducted by the Department of Defense and the Department of State with experts outside such Departments and civil society organizations with respect to the 2021 Nuclear Posture Review.

(5) A listing of the consultants who participated in the 2021 Nuclear Posture Review in a formal or informal capacity.

(6) An identification of the options related to United States nuclear force structure and nuclear doctrine that were presented to the President by the Department of Defense.

SA 4824. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. ENSURING CONSIDERATION OF THE NATIONAL SECURITY IMPACTS OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy, the Secretary of the Interior (acting through the Director of the United States Geological Survey), and the Secretary of Commerce, shall conduct an assessment of the effect on national security that may result from uranium ceasing to be designated

as a critical mineral by the Secretary of the Interior pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(c)).

(b) REPORT REQUIRED.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the findings of the assessment conducted under subsection (a), including an assessment of—

(1) any effects the change in designation described in that subsection may have on domestic uranium production;

(2) any effects of the reliance of the United States on imports of uranium from foreign sources, including from state-owned entities, to supply fuel for commercial reactors;

(3) the effects of such reliance and other factors on the domestic production, conversion, fabrication, and enrichment of uranium as it relates to national security, including energy security purposes; and

(4) any effects on Federal national security programs, including existing and future uses of unobligated, United States-origin uranium.

(c) RECOMMENDATION ON URANIUM CRITICAL MINERAL DESIGNATION.—The report required by subsection (b) shall include a recommendation to the Secretary of the Interior regarding whether it is in the interest of the United States to consider uranium for future designation as a critical mineral pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(c)).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 4825. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. HA-LEU FOR ADVANCED NUCLEAR REACTORS.

Section 2001 of the Energy Act of 2020 (42 U.S.C. 16281) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (D)—

(I) in clause (v)(III), by adding “or” after the semicolon at the end;

(II) by striking clause (vi); and

(III) by redesignating clause (vii) as clause (vi); and

(ii) in subparagraph (E), by striking “for domestic commercial use” and inserting “to meet the needs of commercial, government, academic, and international entities”; and

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(2) in subsection (b)(2)—

(A) by striking “subsection (a)(1)” each place it appears and inserting “subsection (b)(1)”; and

(B) in subparagraph (B)(viii), by striking “subsection (a)(2)(F)” and inserting “subsection (b)(2)(F)”; and

(C) in subparagraph (D)(vi), by striking “subsection (a)(2)(A)” and inserting “subsection (b)(2)(A)”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(B) in the matter preceding subparagraph (A) (as so redesignated)—

(i) by striking “There are” and inserting the following:

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are”; and

(ii) by striking “in this section” and inserting “under this subsection”; and

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2), (3), (5), (6), (7), and (8), respectively;

(B) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ADVANCED NUCLEAR REACTOR.—The term ‘advanced nuclear reactor’ has the meaning given the term in section 951(b) of the Energy Policy Act of 2005 (42 U.S.C. 16271(b)).”; and

(C) by inserting after paragraph (3) (as so redesignated) the following:

“(4) DEPARTMENT.—The term ‘Department’ means the Department of Energy.”;

(5) by moving paragraph (7) of subsection (c) (as designated by paragraph (3)(B)(i)) so as to appear after paragraph (6) of subsection (a) (as redesignated by paragraph (1)(B));

(6) by striking subsection (c);

(7) by redesignating subsections (a), (b), and (d) as subsections (b), (g), and (a), respectively, and moving the subsections so as to appear in alphabetical order; and

(8) by inserting after subsection (b) (as so redesignated) the following:

“(c) HA-LEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS.—

“(1) ACTIVITIES.—Not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall initiate activities to make available HA-LEU, produced from inventories owned by the Department, for use by advanced nuclear reactors, with priority given to the awards made pursuant to the funding opportunity announcement of the Department numbered DE-FOA-0002271 for Pathway 1, Advanced Reactor Demonstrations, with additional HA-LEU to be made available to members of the consortium established under subsection (b)(2)(F), as available.

“(2) OWNERSHIP.—HA-LEU made available under this subsection—

“(A) shall remain the property of, and title shall remain with, the Department; and

“(B) shall not be subject to the requirements of section 3112(d)(2) and 3113 of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2), 2297h-11).

“(3) QUANTITY.—In carrying out activities under this subsection, the Secretary, to the maximum extent practicable, shall make available—

“(A) by September 30, 2024, not less than 3 metric tons of HA-LEU; and

“(B) by December 31, 2025, not less than an additional 15 metric tons of HA-LEU.

“(4) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

“(A) options for providing HA-LEU from a stockpile of uranium owned by the Department (including the National Nuclear Security Administration), including—

“(i) fuel that—

“(I) directly meets the needs of the end-users described in paragraph (1); but

“(II) has been previously used or fabricated for another purpose;

“(ii) fuel that can meet the needs of the end-users described in paragraph (1) after removing radioactive or other contaminants that resulted from a previous use or fabrication of the fuel for research, development, demonstration, or deployment activities of the Department (including activities of the National Nuclear Security Administration);

“(iii) fuel from a high-enriched uranium stockpile, which can be blended with lower assay uranium to become HA-LEU to meet the needs of the end-users described in paragraph (1); and

“(iv) fuel from uranium stockpiles intended for other purposes, but for which material could be swapped or replaced in time in such a manner that would not negatively impact the missions of the Department;

“(B) options for providing HA-LEU from domestically enriched HA-LEU procured by the Department through a competitive process pursuant to the HA-LEU Bank established under subsection (d)(3)(C); and

“(C) options to replenish, as needed, Department stockpiles of uranium made available pursuant to subparagraph (A) with domestically enriched HA-LEU procured by the Department through a competitive process pursuant to the HA-LEU Bank established under subsection (d)(3)(C).

“(5) LIMITATION.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for services relating to—

“(A) the final disposition of radioactive waste from uranium that is the subject of a contract for sale, resale, transfer, or lease under this subsection; or

“(B) environmental cleanup activities.

“(6) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, \$200,000,000 for each of fiscal years 2022 through 2026.

“(7) SUNSET.—The authority of the Secretary to carry out activities under this subsection shall terminate on the earlier of—

“(A) September 30, 2027; and

“(B) the date on which the HA-LEU needs of the end-users described in paragraph (1) can be fully met by commercial enrichers in the United States.

“(d) COMMERCIAL HA-LEU AVAILABILITY.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2022, the Secretary shall establish a program (referred to in this subsection as the ‘program’) to accelerate the availability of commercially produced HA-LEU in the United States in accordance with this subsection.

“(2) PURPOSES.—The purposes of the program are—

“(A) to provide for the availability of HA-LEU enriched, deconverted, and fabricated in the United States;

“(B) to address nuclear supply chain issues in the United States; and

“(C) to support strategic nuclear fuel cycle capabilities in the United States.

“(3) CONSIDERATIONS.—In carrying out the program, the Secretary shall consider and, as appropriate, execute—

“(A) options to establish, through a competitive process, a commercial HA-LEU production capability of not less than 20 metric tons of HA-LEU per year by—

“(i) December 31, 2026; or

“(ii) the earliest operationally feasible date thereafter;

“(B) options that provide for an array of HA-LEU—

“(i) enrichment levels;

“(ii) output levels to meet demand; and

“(iii) fuel forms; and

“(C) options to establish, through a competitive process, a HA-LEU Bank—

“(i) to replenish Department stockpiles of material used in carrying out activities under subsection (c); and

“(ii) after replenishing those stockpiles, to make HA-LEU available to members of the consortium established under subsection (b)(2)(F).

“(4) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Secretary to carry out this subsection, out of any amounts in the Treasury not otherwise appropriated, \$150,000,000 for each of fiscal years 2022 through 2031.

“(e) COST RECOVERY.—

“(1) IN GENERAL.—In carrying out activities under subsections (c) and (d), the Secretary shall ensure that any HA-LEU acquired, provided, or made available under those subsections for members of the consortium established under subsection (b)(2)(F) is subject to cost recovery in accordance with subsection (b)(2)(G).

“(2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making HA-LEU available pursuant to this section—

“(A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and

“(B) shall remain available until expended.

“(f) EXCLUSION.—In carrying out activities under this section, the Secretary shall not make available, or provide funding for, uranium that is recovered, downblended, converted, or enriched by an entity that—

“(1) is owned or controlled by the Government of the Russian Federation or the Government of the People’s Republic of China; or

“(2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People’s Republic of China.”

SA 4826. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STATE AND LOCAL LAW ENFORCEMENT ACCESS TO LIFESAVING FEDERAL EQUIPMENT.

(a) UNENFORCEABILITY OF CERTAIN REGULATIONS UNLESS ENACTED INTO LAW.—

(1) IN GENERAL.—No regulation, rule, guidance, policy, or recommendations issued on or after May 15, 2015, that limits the sale or donation of property of the Federal Government, including excess property of the Department of Defense, to State and local agencies for law enforcement activities (whether pursuant to section 2576a of title 10, United States Code, or any other provision of law, or as a condition on the use of Federal funds) shall have any force or effect after the

date of the enactment of this Act unless enacted into law by Congress.

(2) PROHIBITION ON USE OF FUNDS TO ENFORCE REGULATIONS.—No agency or instrumentality of the Federal Government may use any Federal funds, fees, or resources to implement or carry out a regulation, rule, guidance, policy, or recommendation issued as described in subsection (a) that is not enacted into law by Congress.

(b) RETURN OR REISSUE OF EQUIPMENT RECALLED OR SEIZED PURSUANT TO REGULATIONS.—Any property recalled or seized on or after May 15, 2015, pursuant to a regulation, rule, guidance, policy, or recommendation issued as described in subsection (a) shall be returned, replaced, or re-issued to the agency from which recalled or seized, at no cost to such agency, as soon as practicable after the date of the enactment of this Act.

SA 4827. Mr. ROUNDS (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. SENSE OF CONGRESS ON THE NECESSITY OF MAINTAINING THE UNITED NATIONS ARMS EMBARGO ON SOUTH SUDAN UNTIL CONDITIONS FOR PEACE, STABILITY, DEMOCRACY, AND DEVELOPMENT EXIST.

It is the sense of Congress that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;

(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to build sustainable peace;

(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is a necessary act by the international community to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;

(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and

(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—

(A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or

(B) credible, fair, and transparent democratic elections are held in South Sudan.

SA 4828. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year